

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1550.00
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	March 27, 2000
DATE OF REPORT:	April 26, 2000
REQUEST FOR RECONSIDERATION:	yes (no changes made)
DATE OF CLOSURE:	October 2, 2000

COMPLAINT ISSUES:

Whether the New Prairie United School Corporation and the South LaPorte Special Education Cooperative violated:

511 IAC 7-8-1 with regard to the school's alleged failure to provide the parent with access to inspect and review the student's educational record, specifically failing to provide a copy of the tape recording or the transcript of the October 1999 case conference committee meeting;

511 IAC 7-10-3(j) and (k) with regard to the school's alleged failure to provide the parent with an independent evaluation at public expense, or initiate due process to show its educational evaluation is appropriate; and

511 IAC 7-12-1(j)(2) with regard to the school's alleged failure to address the nature and extent of the student's disability when determining eligibility for special education and related services.

During the course of the investigation, an additional issue was identified, which is:

Whether the New Prairie United School Corporation and the South LaPorte Special Education Cooperative violated:

511 IAC 7-10-3 with regard to the school's failure to conduct the student's educational evaluation and the case conference committee meeting within 40 instructional days of the referral.

FINDINGS OF FACT:

1. The Student is 10 years old and is in a general education fourth grade classroom at the School. The Student does not receive any special education or related services.
2. The Principal signed a *Referral for Multidisciplinary Evaluation* form (the "Referral Form") on December 3, 1998. The Referral Form indicates the persons making the referral were the Complainant and the building-based team. The Student's suspected disability was specified on the Referral Form as an emotional handicap. The Referral Form contains a handwritten notation indicating it was received by the special education cooperative on December 10, 1998. The local coordinator (the "Coordinator") reported that the referral was not processed in a timely manner because the psychologist questioned the information contained on Referral Form, and wanted to discuss it with the multidisciplinary team after the Christmas holiday. The Coordinator informed the psychologist that the referral process needed to proceed without meeting with the multidisciplinary

team; therefore, the psychologist completed the *Comprehensive Case Study Evaluation Checklist* form (the "Checklist Form") and sent it to the School on January 15, 1999. The Checklist Form also included the *Parent Permission for Multidisciplinary Education Evaluation* form (the "Parent Permission Form"). The Complainant signed the Permission Form on January 22, 1999. The evaluation was completed on March 1, 1999, and the case conference committee (the "CCC") met on March 15, 1999. The CCC found the Student ineligible for special education.

3. The Complainant contends that not all of the information obtained from the evaluation was discussed during the CCC meeting, and that she did not see the written results of the evaluation until she requested a copy of it during a CCC meeting in October 1999.
4. The summary (the "Summary") of the March 15, 1999 CCC meeting lists the Student's levels of performance, the evaluation data/test information, and an interpretation of the test results as they are found in the evaluation report. The Summary contains the Student's present levels of classroom performance, which describe achievement, strategies, services, strengths, and weaknesses, as also found in the evaluation report. Medical information and a multidisciplinary team summary are contained in the Summary, as found in the evaluation report. Diagnostic considerations are also included in the Summary, as listed in the evaluation report.
5. The Complainant received a copy of the parent rights, and the Principal reviewed those rights with the Complainant.
6. In a letter dated October 1, 1999, the Principal acknowledged the Complainant's request to "get back together to discuss [Student's] progress and needs." The Principal stated in the letter that the meeting "would not be a case conference but an informal conference."
7. A meeting, which was not a CCC meeting, was held on October 13, 1999. The following individuals attended: the Complainant; the Complainant's mother; an advocate; the Previous Director; the Student's three teachers; and the Principal. The meeting was tape-recorded. The advocate requested a copy of the evaluation report on behalf of the Complainant. The Complainant received a copy of this report approximately five days after the meeting.
8. In a typewritten note dated October 14, 1999, the Complainant requested a copy of all of the Student's educational records. An additional request for the educational records was made sometime before March 2, 2000.
9. The Principal acknowledged the Complainant's second request for the Student's educational records in a letter to the Complainant dated March 2, 2000, and informed her that the educational records were being sent home with the Student that day. The Principal stated in the letter that there was no record of a first request for the Student's educational records.
10. In a typewritten letter dated March 11, 2000, to the Previous Director, the Complainant requested a copy of either the tape recording or a written transcript of the recording of the October 13, 1999 meeting. The Complainant stated in this letter that this had not been included in the Student's educational records that she had requested earlier.
11. In a letter dated March 24, 2000, the Principal informed the Complainant that the tape of the October 13, 1999 meeting was being transcribed for her.
12. As of April 18, 2000, the Complainant had not received a copy of the written transcript of the October 13, 1999 meeting.
13. In a letter dated March 29, 2000, the Complainant informed the Principal that she was not in

agreement with the educational evaluation conducted in March 1999. The Complainant's letter also states, "...I am hereby exercising my child's right to an independent evaluation to be paid for by the school district. I will submit an invoice from the independent evaluator, once I have received it, for you to forward for timely payment."

14. The Previous Director stated in a letter dated April 7, 2000, to the Division, that no request was ever made to the local special education cooperative office (the "Cooperative") concerning an independent evaluation. She further stated that it has been more than one year since the Student was evaluated and if the Complainant so requests, the Cooperative will conduct a new evaluation to be shared with the Complainant in a CCC meeting. At that time, the issue of the need for an independent evaluation can then be discussed.

CONCLUSIONS:

1. Findings of Fact #6, #7, #8, #9, #10, #11, and #12 indicate that the Complainant requested copies of the Student's educational records on three separate occasions, and at this time still has not received a copy of the written transcript of the October 13, 1999 meeting. A violation of 511 IAC 7-8-1 has occurred.
2. Findings of Fact #13 and #14 indicate that the Complainant disagrees with the educational evaluation conducted by the School and has requested an independent evaluation be conducted at the School's expense. At this time, the School has neither consented to pay for an independent evaluation nor initiated a due process hearing. A violation of 511 IAC 7-10-3(j) and (k) has occurred.
3. Finding of Fact #4 indicates that the Summary of the March 15, 1999 CCC includes the information contained in the educational evaluation report. No violation of 511 IAC 7-12-1(j)(2) occurred.
4. Finding of Fact #2 indicates that the Student's educational evaluation and the conduct of the CCC meeting did not occur within 40 instructional days of the referral. A violation of 511 IAC 7-10-3 occurred. Although a violation is noted, corrective action has been taken as a result of violations found during complaint investigation #1537.00. Said corrective action included the conduct of inservice training with all administrative personnel and evaluation personnel on April 14, 2000, regarding the educational evaluation procedures, as specified in 511 IAC 7-10-3.

The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The New Prairie United School Corporation and the South LaPorte Special Education Cooperative shall:

1. Send a copy of the written transcript to the Complainant upon receipt of this report. Provide a written statement to the Division assuring that the document has been sent to the Complainant.

Disseminate a memorandum to all local school corporation professional personnel regarding student educational records and the procedures to follow when a parent requests a copy of educational records, as specified in 511 IAC 7-8-1. A copy of the memorandum, and a list of all recipients by signature and title shall be submitted to the Division no later than May 26, 2000.
2. Contact the Complainant upon receipt of this report and advise the Complainant of the School's decision on the independent evaluation. If the School will pay for the independent evaluation, the

School shall submit a written statement assuring that contact has been made with the Complainant regarding the independent evaluation and the arrangements made to reimburse the Complainant, and a date for the CCC to meet to discuss the results of the independent evaluation. When reimbursement has been made, a copy of the check indicating such shall be submitted to the Division within 10 calendar days of the School's receipt of the independent evaluation invoice. Additionally, a copy of the Summary of the CCC meeting shall be submitted to the Division within 10 calendar days of the meeting.

If the School decides to pursue a due process hearing on this issue, the request for such hearing must be submitted to the Division and the Complainant by May 1, 2000.

DATE REPORT COMPLETED: April 19, 2000